

December 13, 2024

VIA ECF

The Honorable George B. Daniels
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, No. 03-md-1570 (GBD) (SN)
Ashton Plaintiffs' Motion for Service of Judgment (MDL Dkt. 10626)

Dear Judge Daniels and Magistrate Judge Netburn:

The Joint Creditors¹ write in regard to the Ashton Plaintiffs' motion of December 12, 2024, which seeks the Court's authorization for alternative service. The Ashton Plaintiffs seek to serve notice of partial final judgments against the Taliban on the Taliban and Da Afghanistan Bank, in advance of "mov[ing] for execution of the judgments and turnover of the assets of the Taliban currently held in a DAB account at the New York Federal Reserve Bank" (the "DAB Assets"). See MDL Dkt. 10626 at 3.

The Joint Creditors are reviewing the motion papers and write to advise the Court that they are considering filing a response. The motion raises numerous questions, including whether the Ashton Plaintiffs' March 23, 2023 notice of appeal from the denial of their motion for attachment of the DAB Assets (MDL Dkt. 8950)—and the continued pendency of that appeal—divests this Court of jurisdiction to authorize the Ashton Plaintiffs' attempts to execute on any judgment against the same DAB Assets. See *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.").

The Joint Creditors anticipate filing a response to the motion within 14 days, as provided for under Local Civil Rule 6.1(b).

¹ The Joint Creditors are the Plaintiffs in the following cases: *Smith v. The Islamic Emirate of Afghanistan, et al.*, No. 01-cv-10132 (the "Smith Creditors"), *Havlish, et al. v. Bin Laden, et al.*, No. 03-cv-9848 (the "Havlish Creditors"), *Fed Ins. Co., et al. v. Al Qaida, et al.*, No. 03-cv-6978 (the "Federal Insurance Creditors"), and *John Does 1 Through 7 v. The Taliban, et al.*, No. 20-mc-740 (the "Doe Creditors"). See MDL Dkt. 8866 at 1 n.1.

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Respectfully submitted,

/s/ Douglass A. Mitchell

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cc: All counsel of record (by ECF)